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Application Number 10/652,987

Filing Date AUGUST 23, 2003

First Named Inventor HARTER

Art Unit 2621

Examiner Name ANYIKIRE, C.

Attorney Docket Number DP-309898

ENCLOSURES (Check all that apply)

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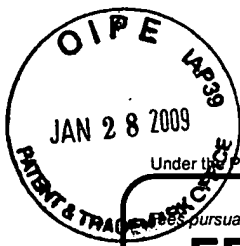
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FEE TRANSMITTAL

For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
540.00**Complete if Known**

Application Number	10/652,987
Filing Date	AUGUST 29, 2003
First Named Inventor	HARTER
Examiner Name	ANYIKIRE, C.
Art Unit	2621
Attorney Docket No.	DP-309898

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

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Fees Paid (\$)**SUBMITTED BY**

Signature	<i>h.s.a. Navarre</i>	Registration No. (Attorney/Agent)	29572	Telephone	937-653-3501
Name (Print/Type)	MARK A. NAVARRE	Date	JANUARY 26, 2009		

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Mark A. Navarre
Mark A. Navarre

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Harter et al.

Group Art Unit: 2621

Cam-Driven Multiple-View
Imaging System

Examiner: Anyikire, C.

U. S. Serial No. 10/652,987

Filed: August 29, 2003

APPEAL BRIEF

Commissioner for Patents
Mail Stop Appeal Brief – Patents
Alexandria, VA 22313-1450

STATEMENT OF REAL PARTY IN INTEREST

The real party in interest herein is Delphi Technologies Incorporated, to whom the entire right and interest of the subject patent application have been assigned.

STATEMENT OF RELATED CASES

None of the inventors, attorneys or agents involved in the preparation or prosecution of the patent application on appeal are aware of any prior or pending appeals, interferences or judicial proceedings that would directly affect, or be directly affected by or have a bearing on the Board's decision in this appeal.

JURISDICTIONAL STATEMENT

The Board has jurisdiction under 35 USC 134(a). The examiner mailed a final rejection on August 29, 2008, setting a three-month shortened statutory period for response. On December 15, 2008, Appellants filed a Notice of Appeal and a request for a one-month extension of time under Rule 136(a). The deadline for filing the appeal brief under Rule 41.37(c) is February 15, 2009, and Appellants are filing this Appeal Brief on or before February 15, 2009.

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TABLE OF AUTHORITIES

(none)

STATUS OF AMENDMENTS

An Amendment after Final Rejection under Rule 1.116 was filed on October 16, 2008. The amendment contained only arguments supporting allowance of the pending claims, and did not propose any claim amendments. Per Advisory Action dated December 10, 2008, the examiner indicated that the amendment failed to place the application in condition for allowance. USPTO public records indicate that the amendment was entered into the record.

Appeal Brief, U.S. Serial No. 10/652,987

GROUND OF REJECTION TO BE REVIEWED

The rejection of Claims 1-5 as being unpatentable under 35 USC 103(a) over Bradley (US 5,771,071) in view of Hayakawa (US 6,130,993).

STATEMENT OF FACTS

In rejecting Claims 1-7 under 35 USC 103(a), the examiner cites Bradley and Hayakawa.

Bradley is directed to an apparatus including a video camera arranged to capture image data from first and second image sources selectively coupled to the video camera by first and second image paths (col. 6, lines 45-53; col. 8, lines 35-38; FIG. 2, elements 44, 48, 49).

The first image path emanates from an external object, enters the apparatus through a port, and is deflected downward toward the video camera by a steering mirror (col. 7, lines 1-9; FIG. 2, elements 44, 48, 64).

The steering mirror is attached to a first mounting shaft (also referred to herein as the steering mirror shaft) that can be rotated to adjust the first image path, and a set of limit switches prevent the steering mirror from rotating beyond a prescribed range (col. 9, lines 53-62; col. 10, lines 16-46; FIG. 2, elements 48, 64, 114; FIG. 4, elements 114, 98, 126, 124, 102).

Rotation of the steering mirror shaft is achieved by operator-activation of an electric motor that is coupled to the steering mirror shaft through a gearbox (col. 10, lines 1-15, 52-56; FIG. 5, elements 114, 118, 116, 96).

The second image path (49) emanates from an internal shelf, and is focused on a fixed mirror that deflects the image path onto a flip mirror (col. 7, lines 10-29; FIGS. 2-3, elements 56, 66, 68, 82, 86). When the flip mirror is in a first position illustrated in FIG. 2, the first image path is coupled to the video camera, and flip mirror occludes the second image path (col. 7, lines 55-63; FIG. 2, elements 44, 48, 64, 82). On the other hand, when the flip mirror is in a second position illustrated in FIG. 3, the flip mirror occludes the first image path, and the second image path is coupled to the video camera (col. 7, lines 30-42). The flip mirror is mounted on a second mounting shaft (also referred to herein as the flip mirror shaft) that rotates between the first and second positions (col. 9, lines 12-18; FIGS. 2-3, elements 82, 84, 88). A solenoid and connecting arm assembly connected to the flip mirror shaft selectively rotates the flip mirror to the first or second positions, depending on whether the solenoid is activated or deactivated (col. 9, lines 23-45; FIG. 4, elements 88, 90, 92, 94).

Hayakawa is directed to an image stabilizer inside a camera; the image path includes a first optical axis (OT) focused onto a movable mirror, and a second optical axis (OM) due to reflection from the mirror that is

focused onto a film frame (col. 7, lines 35-43; FIG. 1, elements 11, 14, 16). In the FIG. 2 embodiment cited by the examiner, the mirror is supported for linear movement by a guide rail, and can be moved parallel to the first optical axis (OT) by a stepper motor coupled to a threaded portion of the mirror by a threaded drive shaft (col. 8, lines 43-61; FIG. 2, elements 14, 25, 26, 28). Rotating the drive shaft in one direction moves the mirror and second optical axis (OM) toward the lens, and rotating the drive shaft in the other direction moves the mirror and second optical axis (OM) away from the lens; this moves the x-coordinate of the image on the film (col. 9, lines 18-29; FIG. 2, elements 14, 25, 26, 28).

ARGUMENT

With respect to the subject rejection of Claims 1-7 under 35 USC 103(a): Claims 1-4 stand or fall together, but Claims 5, 6 and 7 provide additional bases for patentability. Therefore, this section includes an analysis of Claims 1-4, and separate analyses of Claims 5, 6, and 7. Appellants have not submitted arguments supporting the patentability of Claims 5, 6 and 7 over Bradley in view of Hayakawa prior to this appeal brief.

Claims 1-4

The examiner's position, set forth in the final rejection, is that Bradley explicitly discloses all of the limitations of Claim 1, with the exception of a mirrored shaft that is axially displaceable for presenting different views to an imaging device; page 3, line 1 through page 4, line 6. But Appellants respectfully submit that this is a blatant mischaracterization of Bradley, in at least two respects.

First, the examiner states that Bradley discloses a mirrored shaft including two or more mirrored elements mutually spaced along the axis of

the shaft, and diversely angled with respect to the aperture field of the imaging device; page 3, lines 7-10. By way of explanation, the examiner notes that Bradley discloses applying two different mirrors that are part of the mirrored shaft (FIG. 2, element 114) that both have different function and different views of the scene based on their position along the shaft; page 3, lines 11-13. Appellants refuted this position in their amendment after final rejection, page 2, lines 11-19, pointing out that Bradley's shaft (114) supports one, and only one, mirror element -- the steering mirror (64). As noted at col. 9, line 53 et seq. in reference to FIG. 2, the steering mirror (64) includes a carrying plate (112) that is "fixedly mounted to the shaft 114", and a reflective surface (110) "bonded to the plate 112". There is no other mirror element affixed to the shaft (114). FIGS. 4-5 show that the shaft (114) is coupled to another shaft (126) by a timing belt (98), but no mirror elements are affixed to the shaft (126). Aside from steering mirror (64), Bradley discloses only one other movable mirror -- the flip mirror (86). As noted at col. 7, line 43 et seq., and column 9, line 8 et seq., the flip mirror (86) includes a mounting plate (84) "pivotably mounted to housing 42 by a mounting shaft 88", and a mirror (86) affixed to the mounting plate (84). A

solenoid and connecting arm assembly (90, 92, 94) is coupled to the shaft (88) to selectively rotate the shaft (88), and therefore flip mirror (86), to first or second angular positions; and the alternate positions of the flip mirror (86) are illustrated in FIGS. 2 and 3. Since the flip mirror (86) is not mechanically coupled to the steering mirror (64), the mirrors (64) and (86) do not constitute or approximate “two or more mirrored elements mutually spaced along the axis of the shaft”, as alleged by the examiner.

A possible explanation for the examiner’s puzzling position outlined in the preceding paragraph is that FIG. 2 of Bradley shows two lead lines emanating from the reference numeral 114 -- a first lead line pointing to the shaft to which the carrying plate (112) and steering mirror (64) are fixedly mounted, and a second lead line pointing to the shaft (88) to which the plate (84) and flip mirror (86) are fixedly mounted. But this is an obvious drawing error -- very apparently, the first lead line is correct, and the second lead line is incorrect. FIG. 2 correctly identifies the flip mirror shaft (88), and FIG. 4 correctly identifies both the steering mirror shaft (114) and the flip mirror shaft (88). Quite obviously, the two shafts (88, 114) are not the same shaft, as apparently argued by the examiner at page 3, lines 11-13.

And as demonstrated in the preceding paragraph, there is no mechanical connection between the flip mirror shaft (88) and steering mirror shaft (114). Therefore, the two shafts (88, 114) cannot constitute “a shaft”, either actually or effectively. Appellants did not make this specific argument prior to this appeal brief.

Second, the examiner states that Bradley discloses drive means including an electric motor for producing linear displacement of a mirrored shaft along an axis to change the view presented to an imaging device as the different diversely angled mirror elements are brought into alignment with the aperture field of the imaging device; page 3, lines 14-18. By way of explanation, the examiner notes that Bradley discloses different mirrors that correspond to image paths that are connected to the image plane; page 3, lines 18-19. Appellants refuted this position in their amendment after final rejection, page 3, lines 3-11, pointing out that in Bradley, the displacement of steering mirror shaft (114) produced by motor (118) and gearbox (116) is clearly and obviously rotational, and not linear. And while the rotational displacement of Bradley’s steering mirror shaft (114) does alter the view presented to the imaging device (as described in the Statement of Facts at

page 9, lines 9-13), it clearly and obviously does not bring different diversely angled mirror elements into alignment with the aperture field of said imaging device, as required by rejected Claim 1. As demonstrated above, one and only one mirror element is affixed to (or controlled by) the steering mirror shaft (114).

In respect to the secondary reference Hayakawa, the examiner's position, set forth in the final rejection, is that Hayakawa discloses a mirrored shaft (26) that is axially displaceable for presenting different views to an imaging device. But as Appellants pointed out in both the amendment after final rejection and in their amendment filed July 9, 2008, the mirrored shaft (26) merely shifts the position of a single image on the film (see col. 9, lines 18-30 of Hayakawa) to compensate for camera shake, and does not present a different view to an imaging device.

The above analysis demonstrates that neither Bradley nor Hayakawa disclose the limitations of independent Claim 1. Accordingly, no combination of Bradley and Hayakawa can obviate the limitations Claim 1 under 35 USC 103(a). While the teachings of Hayakawa could in theory be applied to Appellants claimed apparatus to compensate for the equivalent of

“camera shake”, the combined apparatus certainly would neither teach nor suggest the limitations of Claim 1.

Finally, Appellants previously noted in their amendment filed July 9, 2008, that the claimed arrangement with multiple mirror elements mutually spaced along the axis of a linearly displaced shaft is superior to arrangements including mirrors that are rotated to present different views to a camera; see page 4, lines 24-27. First, the different views presented by the different mirror elements are well defined even though the shaft is not held perfectly still -- in fact, minor variation in the linear position of the shaft will not affect the view presented to the imaging device. And this is certainly not true of a rotating mirror, where minor variations in the rotary position of the shaft will significantly change the view presented to the imager. And second, the angularity of the presented view can be vertical as well as horizontal, and this also cannot be achieved with a rotating mirror. These factors represent secondary considerations of non-obviousness because they demonstrate advantageous functionality that cannot be achieved with rotating mirror arrangements.

In view of the above, Appellants respectfully submit that the rejection of Claim 1 is in error, and request that the Board reverse such rejection. Claims 2-4 which rise or fall with Claim 1, include all of the limitations of Claim 1 by dependency.

Claim 5

The examiner's position, set forth in the final rejection, is that since Bradley discloses a motor and host controller that is activated in response to operator command to rotate the steering mirror (64), it discloses the limitations of rejected Claim 5; page 5, lines 5-9. However, Appellants respectfully point out that the motor (118) only rotates the steering mirror (64) through a small angle in order to adjust the image path (48). See Bradley col. 7, lines 1-9; col. 9, lines 61-62 and col. 10, lines 39-43. The situation Bradley describes is this: the image path (48) intersects some external object such as an applicant for a driver's license, and it may be necessary to adjust the angle of steering mirror (64) so that the applicant (or other external object) will be appropriately captured on the imaging device. Nothing in Bradley suggests that the motor (118) is activated to continuously drive the shaft (114) on which steering mirror (64) is mounted, much less

driving it at a speed that is in synchronism with a data acquisition control signal for the camera (44). The purpose of Bradley's steering mirror adjustment is not to alternately and successively capture two different images, but rather to adjust the image path so that the camera can correctly capture the best view of a single image/object. And clearly, Hayakawa has no relevance to Claim 5 because the motor (25) is only activated in response to detected camera shake.

On a related note, Appellants previously noted in their amendment filed July 9, 2008, that with the claimed arrangement of multiple mirror elements mutually spaced along the axis of a linearly displaced shaft, the different views presented by the different mirror elements are well defined even though the shaft is not held perfectly still – i.e., minor variation in the linear position of the shaft will not affect the view presented to the imaging device; see page 24-27. This is particularly relevant to Claim 5 because it enables the shaft to be continuously driven at a speed that is in synchronism with the data acquisition control signal; this is illustrated in Graph B of FIG. 3 (also see page 5, lines 1-4), where the mirror (20) is in position (POS1) during the entire odd field pixel integration period even though the shaft (26)

is in motion (i.e., is being continuously driven). And of course, the same is true with respect to the mirror (24) and the even field pixel integration period. In other words, the subject matter of Claim 5 is made possible by (though not required by) the limitations of independent Claim 1, limitations that are neither shown nor suggested by any combination of Bradley and Hayakawa.

For the above reasons, Appellants respectfully submit that no combination of Bradley and Hayakawa can obviate the limitations Claim 5 under 35 USC 103(a). Appellants therefore submit that the rejection of Claim 5 is in error, and request that the Board reverse such rejection.

Claim 6

The examiner's position, set forth in the final rejection, seems to be based on the misconception that the steering mirror shaft (114) and the flip mirror shaft (88) are one and the same shaft, in view of the double lead lines emanating from reference numeral 114 in FIG. 2. But as explained above in respect to Claims 1-4, the second lead line pointing to the flip mirror shaft (88) is obviously a drawing error. Since no combination of Bradley and Hayakawa teach or suggest two or more mirror elements mutually spaced

along the axis of a shaft, the same combination of references cannot teach or suggest that the mirror elements are horizontally angled with respect to the aperture field of the camera to define diverse horizontally angled views of a scene as the different diversely angled mirror elements are brought into alignment with the aperture field of the imaging device, as required by Claim 6. Accordingly Appellants submit that the rejection of Claim 6 is in error, and request that the Board reverse such rejection.

Claim 7

As with Claim 6, the examiner's position in respect to Claim 7 seems to be based on the misconception that the steering mirror shaft (114) and the flip mirror shaft (88) are one and the same shaft, in view of the double lead lines emanating from reference numeral 114 in FIG. 2. But as explained above in respect to Claims 1-4, the second lead line pointing to the flip mirror shaft (88) is obviously a drawing error. Since no combination of Bradley and Hayakawa teach or suggest two or more mirror elements mutually spaced along the axis of a shaft, the same combination of references cannot teach or suggest that the mirror elements are vertically angled with respect to the aperture field of the camera to define diverse

vertically angled views of a scene as the different diversely angled mirror elements are brought into alignment with the aperture field of the imaging device, as required by Claim 7. Accordingly Appellants submit that the rejection of Claim 7 is in error, and request that the Board reverse such rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Navarre". The signature is fluid and cursive, with the first name "Mark" being more prominent.

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CLAIMS

1. (rejected) An imaging system, comprising:

an interlaced imaging device that produces video data from an aperture field during a data acquisition interval in response to a data acquisition control signal;

a mirrored shaft that is linearly displaceable along an axis of the shaft for presenting different views to said imaging device, the mirrored shaft including two or more mirror elements affixed to said shaft, said mirror elements being mutually spaced along the axis of said shaft, and diversely angled with respect to the aperture field of said imaging device to define different predefined views of a scene;

drive means including an electric motor for producing linear displacement of said mirrored shaft along said axis to change the view presented to said imaging device as the different diversely angled mirror elements are brought into alignment with the aperture field of said imaging device; and

control means for controlling said electric motor in response to a data acquisition control signal of the imaging device such that interlaced video

data produced by said imaging device in a series of successive data acquisition intervals pertains to two or more different views of said scene.

2. (rejected) The imaging system of Claim 1, wherein said data acquisition control signal is a vertical synchronization control signal that coordinates readout of said video data.

3. (rejected) The imaging system of Claim 2, wherein said mirrored shaft includes first and second linearly separated mirrors that are alternately in position with respect to said imaging device during successive data acquisition periods of said imaging device.

4. (rejected) The imaging system of Claim 1, wherein said drive means includes a rotary cam mechanism driven by said electric motor and a connecting arm coupling said cam mechanism to said mirrored shaft.

5. (rejected) The imaging system of Claim 4, wherein said control means continuously drives said electric motor at a speed that is in synchronism with said data acquisition control signal.

6. (rejected) The imaging system of Claim 1, where:
said mirror elements are horizontally angled with respect to said aperture field to define diverse horizontally angled views of said scene as the different diversely angled mirror elements are brought into alignment with

the aperture field of said imaging device.

7. (rejected) The imaging system of Claim 1, where:

said mirror elements are vertically angled with respect to said aperture field to define diverse vertically angled views of said scene as the different diversely angled mirror elements are brought into alignment with the aperture field of said imaging device.

CLAIMS SUPPORT AND DRAWING ANALYSIS

1. (rejected) An imaging system, comprising:

an interlaced imaging device that produces video data from an aperture field during a data acquisition interval in response to a data acquisition control signal; {page 2, lines 19-20, 25-26; page 4, lines 26-30; FIG. 1A, elements 12, 22; FIG. 3, see labels: Video Vert Sync, Odd Field Integ. and Even Field Integ.}

a mirrored shaft that is linearly displaceable along an axis of the shaft for presenting different views to said imaging device, the mirrored shaft including two or more mirror elements affixed to said shaft, said mirror elements being mutually spaced along the axis of said shaft, and diversely angled with respect to the aperture field of said imaging device to define different predefined views of a scene; {page 2, lines 25-29; page 3, lines 10-14, 20-24; FIGS. 1A-1C & 2, elements 12, 20, 22, 24, 26}

drive means including an electric motor for producing linear displacement of said mirrored shaft along said axis to change the view presented to said imaging device as the different diversely angled mirror elements are brought into alignment with the aperture field of said imaging

device; and {page 2, lines 25-31; page 3, lines 29-32; page 4, lines 30-32; FIGS. 1A & 2, elements 16, 30, 28, 58, 26}

control means for controlling said electric motor in response to a data acquisition control signal of the imaging device such that interlaced video data produced by said imaging device in a series of successive data acquisition intervals pertains to two or more different views of said scene. {page 2, lines 21-23; page 3, lines 2-9; page 4, lines 15-17; page 5, lines 1-4; FIG. 1A, elements 12, 34, 18, 16; FIG. 3, Graph B}

5. (rejected) The imaging system of Claim 4, wherein said control means continuously drives said electric motor at a speed that is in synchronism with said data acquisition control signal. {page 4, lines 30-32; page 5, lines 1-4; FIG. 3, Graph B}

6. (rejected) The imaging system of Claim 1, where:
said mirror elements are horizontally angled with respect to said aperture field to define diverse horizontally angled views of said scene as the different diversely angled mirror elements are brought into alignment with the aperture field of said imaging device. {page 3, lines 9-12; FIGS. 1B & 2, elements 20, 24; FIG. 1C, elements 40, 42, 44, 46}

7. (rejected) The imaging system of Claim 1, where:

said mirror elements are vertically angled with respect to said aperture field to define diverse vertically angled views of said scene as the different diversely angled mirror elements are brought into alignment with the aperture field of said imaging device. {page 3, lines 9-14}

MEANS OR STEP PLUS FUNCTION ANALYSIS

1. (rejected) An imaging system, comprising:

an interlaced imaging device that produces video data from an aperture field during a data acquisition interval in response to a data acquisition control signal;

a mirrored shaft that is linearly displaceable along an axis of the shaft for presenting different views to said imaging device, the mirrored shaft including two or more mirror elements affixed to said shaft, said mirror elements being mutually spaced along the axis of said shaft, and diversely angled with respect to the aperture field of said imaging device to define different predefined views of a scene;

drive means including an electric motor for producing linear displacement of said mirrored shaft along said axis to change the view presented to said imaging device as the different diversely angled mirror elements are brought into alignment with the aperture field of said imaging device; and {page 2, lines 29-31; page 3, lines 29-32; FIGS. 1A & 2, elements 16, 30, 28, 60, 58, 26}

control means for controlling said electric motor in response to a data acquisition control signal of the imaging device such that interlaced video data produced by said imaging device in a series of successive data acquisition intervals pertains to two or more different views of said scene.

{page 2, lines 21-23; page 3, lines 2-9; page 4, lines 15-17; page 5, lines 1-4; FIG. 1A, elements 12, 34, 18, 16; FIG. 3, Graph B}

EVIDENCE

(none)

RELATED CASES

(none)